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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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NATIONAL FEDERATION OF THE BLIND
OF CALIFORNIA, MICHAEL KELLY,
MICHAEL HINGSON, and MICHAEL
PEDERSEN.

Plaintiffs.

V.
UBER TECHNOLOGIES, INC., RASIER,
LLC, and RASIER CA, LLC

Defendants

Case No. 3:14-cv-4086 NC

**FIRST AMENDED COMPLAINT FOR
VIOLATIONS OF THE AMERICANS
WITH DISABILITIES ACT, 42 U.S.C. §§
12101, *et seq.*, THE CALIFORNIA UNRUH
CIVIL RIGHTS ACT, CAL. CIV. CODE
§§ 51 & 52, AND THE CALIFORNIA
DISABLED PERSONS ACT, CAL. CIV.
CODE §§ 54-54.3**

INTRODUCTION

1 1. This action seeks to put an end to systemic civil rights violations committed by
2 Uber Technologies, Inc. and its subsidiaries operating in California, Rasier, LLC, and Rasier-
3 CA, LLC, (collectively “Uber” or “Defendants”) in California against blind individuals who use
4 guide dogs. Plaintiff National Federation of the Blind (“NFB”) of California sues on behalf of its
5 members, including Plaintiff Kelly, who has been and will continue to be denied access to
6 Uber’s UberX taxi service and Plaintiff Hingson, who has been and continues to be deterred
7 from using Uber’s UberX taxi service, all because Uber has failed to ensure that blind riders with
8 service animals, including many other members of Plaintiff NFB of California, can access
9 Uber’s taxi services. Likewise, Michael Pedersen, a blind resident of San Francisco who uses a
10 guide dog, also sues alongside Plaintiff NFB of California because Pedersen has been and will
11 continue to be denied access to UberX taxi services on the basis of his using a service animal.

12 2. Uber offers the UberX taxi service to sighted individuals in California. UberX is
13 highly cost-effective and widely available. Uber uses mobile software applications to arrange
14 rides between passengers and its fleet of UberX drivers in much the same way that a taxi
15 dispatch arranges rides for customers.

16 3. UberX drivers are refusing to transport many blind individuals who use service
17 animals, including members of NFB of California. For example, UberX drivers refused to
18 transport Jamey Gump, Manveen Chahal, Cody Austin Meyer, Brooklyn Rodden, Michael Kelly,
19 Jessie Lorenz, Jonathan Lyens, and Juanita Herrera (all blind members of NFB of California)
20 because they use guide dogs. Further, UberX drivers across the United States are likewise
21 refusing to transport blind individuals, including identified UberX drivers who denied rides to
22 one blind woman on twelve separate occasions, charged blind riders cancellation fees, refused
23 service to a blind parent on her way to a pharmacy to get a prescription for her feverish toddler,
24 and abandoned blind travelers in extreme weather, all because of guide dogs. In total, Plaintiffs
25 are aware of more than forty instances where drivers of UberX vehicles refused to transport blind
26 individuals with service animals. UberX drivers that refused to transport these blind individuals
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1 did so after they initially agreed to transport the riders. The UberX drivers denied the requested
2 transportation service after the drivers had arrived and discovered that the riders used service
3 animals.

4 4. In addition, some UberX drivers seriously mishandle guide dogs, harass blind
5 customers with guide dogs, or give low feedback scores to passengers with service animals even
6 when drivers do not outright deny the provision of taxi service. For example, Leena Dawes is
7 blind and uses a guide dog. An UberX driver locked Ms. Dawes' guide dog in the closed trunk of
8 the UberX sedan before transporting Ms. Dawes. When Ms. Dawes realized where the driver had
9 placed her dog, she demanded that the driver pull over so that she could retrieve her dog from the
10 trunk, but the driver refused her request. Other blind customers with guide dogs have been yelled
11 at by Uber drivers who are hostile toward their guide dogs. In addition, upon information and
12 belief, passengers with service animals receive lower average ratings from UberX drivers. A
13 lower rating reduces the probability that Uber will provide transportation to a passenger in the
14 future or reassign that same driver to transport the passenger with the service animal.

15 5. Many of these blind individuals submitted written complaints to Uber concerning
16 the discriminatory treatment that they experienced. However, Uber has failed to notify most of
17 these individuals regarding whether Uber has thoroughly investigated their complaints,
18 disciplined the relevant UberX drivers, or taken any other meaningful steps to ensure that these
19 drivers do not continue to unlawfully discriminate against them or other individuals with service
20 animals. Instead, Uber representatives often respond to these complaints by denying
21 responsibility for the discrimination. Meanwhile, many of these blind individuals experience
22 ongoing denials from multiple drivers.

23 6. Plaintiff Kelly is blind, uses a guide dog, and is a member of NFB of California.
24 Mr. Kelly travels in UberX vehicles with companions who use the Uber app. Mr. Kelly and his
25 companions have been denied access to UberX taxi services because of the presence of Mr.
26 Kelly's service animal.

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1 7. Plaintiff Hingson is blind, uses a guide dog, and is a member of NFB of
2 California. Mr. Hingson, a public speaker and best-selling author, travels extensively throughout
3 California and has traveled with a guide dog for decades. Mr. Hingson is aware of Uber's
4 widespread discrimination against blind individuals with service animals, and Mr. Hingson has
5 refrained and continues to refrain from creating an Uber user account or otherwise using Uber's
6 transportation services because he fears experiencing similar discrimination. Mr. Hingson has
7 been deterred from using UberX on many specific occasions when it would have been
8 convenient for him to use Uber's services.

9 8. Plaintiff Pedersen is blind, uses a guide dog, and is a resident of San Francisco,
10 California. Mr. Pedersen has been denied access to UberX taxi services multiple times because
11 of the presence of his service animal. Mr. Pedersen will continue to attempt to use the UberX
12 service. Mr. Pedersen would like to continue using UberX taxi services without fear that UberX
13 drivers will refuse to transport him.

14 9. When Uber denies rides to blind riders with service animals, blind individuals
15 experience several harms. They face unexpected delays, they must arrange alternate
16 transportation that is sometimes more costly, and they face the degrading experience of being
17 denied a basic service that is available to all other paying customers.

18 10. In addition, Uber charges many blind riders with guide dogs cancellation fees
19 after UberX drivers have unlawfully denied them service. These blind riders are also often
20 placed in the uncomfortable position of explaining to uninformed UberX drivers that service
21 animals are protected by law and that blind people have the right to bring service animals into
22 vehicles providing taxi services.

23 11. Uber is violating basic equal access requirements under both the ADA and state
24 law by failing to implement policies and procedures that would prevent or reduce discrimination
25 against blind riders committed by UberX drivers. Because Uber closely monitors and tightly
26 controls interactions between UberX drivers and its customers, Uber can implement policies and
27 procedures, including policies and procedures that leverage its mobile smart phone software
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1 applications, that would prevent or reduce discrimination committed by its drivers against blind
2 riders with service dogs. However, Uber insists that it is not a transportation provider and that it
3 is not legally obligated to take any steps to ensure that its drivers do not discriminate against
4 blind riders. Uber maintains this position despite the fact that the California Public Utilities
5 Commission ruled that Uber is a transportation provider operating the UberX transportation
6 service.

7 12. UberX and other similar taxi services are a critical transportation option for many
8 blind individuals in California. Due to distances between destinations and the limitations of
9 public transportation and paratransit, many blind persons must use taxi services to travel from
10 one place to another. The fact that UberX vehicles have frequently refused to transport Plaintiffs
11 Kelly and Pedersen and other blind riders with service animals, and that this discrimination
12 deters Plaintiff Hingson and other members of Plaintiff NFB of California with service animals
13 from using UberX, means that members of Plaintiff NFB of California are denied full and equal
14 access to this critical mode of transportation.

15 13. Due to the public's widespread adoption of smart phones, Uber and other
16 transportation network companies are quickly supplanting traditional taxi companies and
17 becoming the public's primary option for on-demand taxi services. Uber offers taxi services in
18 most of California's largest cities and is quickly spreading.

19 14. Congress provided a clear and national mandate for the elimination of
20 discrimination against individuals with disabilities when it enacted the Americans with
21 Disabilities Act. Such prohibited discrimination includes discrimination in the provision of taxi
22 services and other transportation services. Similarly, California state law requires full and equal
23 access to all business establishments and places where the public is invited, including vehicles
24 providing taxi services.

25 15. Plaintiffs NFB of California and Hingson proposed to Uber that the parties avoid
26 litigation and instead attempt to resolve this matter through structured negotiations, but

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1 Defendant Uber refused. Plaintiffs were ultimately unable to obtain a commitment by Defendant
 2 Uber to remedy these barriers to full and equal access.

3 JURISDICTION

4 16. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §
 5 1331 and 42 U.S.C. § 12188, for Plaintiffs' claims arising under the Americans with Disabilities
 6 Act, 42 U.S.C. §§ 12101, *et seq.*

7 17. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1337, over
 8 Plaintiffs' pendent claims under the California Unruh Civil Rights Act (California Civil Code §§
 9 51, *et seq.*), and the Disabled Persons Act (California Civil Code §§ 54-54.3).

10 VENUE

11 18. Venue is proper in the Northern District pursuant to 28 U.S.C. §§ 1331(b)-(c).

12 19. Defendants are headquartered in the Northern District of California and are
 13 registered to do business in California. Defendants do business in the Northern District of
 14 California. Defendants operate fleets of vehicles providing taxi services in cities throughout
 15 California, including fleets providing taxi services in the Northern District of California.

16 20. Defendants are subject to personal jurisdiction in the Northern District of
 17 California. Defendants have been and are committing the acts alleged herein in the Northern
 18 District of California, have been and are violating the rights of consumers with disabilities in the
 19 Northern District of California, and have been and are causing injury to consumers with
 20 disabilities in the Northern District of California.

21 21. Plaintiff NFB of California has many members who reside in the Northern
 22 District of California. In addition, Plaintiffs Hingson and Pedersen have experienced injury in the
 23 Northern District of California.

24 PARTIES

25 22. NFB of California is a duly organized nonprofit association of blind Californians.
 26 It is the California State affiliate of the National Federation of the Blind. NFB of California's
 27 mission is to promote the vocational, cultural, and social advancement of the blind; to achieve
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1 the integration of the blind into society on a basis of equality with the sighted; and to take any
 2 other action which will improve the overall condition and standard of living of the blind.
 3 Reliable access to modern, publicly available transportation services such as UberX is critical to
 4 NFB of California and its members. Securing access to the UberX taxi service advances NFB of
 5 California's goal to promote integration of the blind into society on a basis of equality by
 6 enabling blind individuals to travel in the same way that many sighted individuals travel. UberX
 7 drivers have refused to transport members of NFB of California because they have service
 8 animals. NFB of California sues on behalf of its members who have been denied access to or
 9 deterred from using the UberX service due to unlawful discrimination against blind individuals
 10 with service animals. NFB of California also sues in furtherance of its extensive efforts and
 11 expenditure of resources in advancing its mission to improve independence of the blind.
 12 Securing access to the UberX service advances this mission because access to the UberX service
 13 enables blind individuals to travel more independently. Thus, discrimination against members of
 14 NFB of California and other blind individuals who use service animals frustrates this mission of
 15 NFB of California and results in the diversion of its resources to address Defendants'
 16 discriminatory practices.

17 23. Plaintiff Michael Kelly is blind, uses a guide dog, is a member of NFB of
 18 California, and currently resides in Sacramento, California. Mr. Kelly is a musician and virtuoso
 19 electric bassist. Mr. Kelly often travels with his girlfriend, who has an Uber account. Mr. Kelly
 20 and his girlfriend prefer to travel together when going out to eat or running errands in the
 21 Sacramento area. The UberX service potentially offers a convenient and affordable way for Mr.
 22 Kelly and his girlfriend to travel, though this convenience is undermined by the discriminatory
 23 practices of Uber. Mr. Kelly will continue to attempt to travel using the UberX taxi service with
 24 his girlfriend and other companions who use the Uber mobile application. Mr. Kelly and his
 25 girlfriend have been and will continue to be denied access to UberX taxi services because of the
 26 presence of Mr. Kelly's service animal.

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1 24. Plaintiff Michael Hingson is blind, uses a guide dog, is a member of NFB of
2 California, and currently resides in Victorville, California. Mr. Hingson is a public speaker and a
3 best-selling author who has traveled with a guide dog for decades. Mr. Hingson regularly travels
4 and regularly uses taxis within California for work and leisure. Mr. Hingson often travels to Los
5 Angeles and Sacramento in connection with his advocacy work for NFB of California. He also
6 regularly travels to San Francisco for personal and professional business. Though Mr. Hingson
7 would like to use the UberX transportation service, he is deterred from signing up for and
8 attempting to use Uber's transportation services because of the discrimination that other blind
9 guide dog users have experienced when attempting to use the UberX taxi service. Mr. Hingson
10 owns and regularly uses an iPhone capable of running the Uber iPhone application, and Mr.
11 Hingson has a credit card that he could use to pay for the UberX taxi service.

12 25. Plaintiff Michael Pedersen is blind, uses a guide dog, and currently resides in San
13 Francisco, California. Mr. Pedersen is employed as a software developer and regularly commutes
14 from his home in San Francisco to his place of work in Cupertino, California. Mr. Pedersen's
15 wife has used her Uber account to request rides for Mr. Pedersen as he is preparing to leave for
16 work in the morning. Mr. Pedersen has been denied access to UberX taxi services multiple times
17 because of his service animal. Mr. Pedersen will continue to attempt to travel using the UberX
18 taxi service. Mr. Pedersen will continue to be denied access to UberX taxi services because of
19 the presence of his service animal.

20 26. The term "Plaintiffs" used in this complaint means NFB of California, on behalf
21 of itself and its members with service animals who have been denied access to or deterred from
22 using the UberX taxi service because of discrimination against blind persons with service
23 animals, Mr. Kelly, Mr. Hingson, and Mr. Pedersen, unless otherwise indicated.

24 27. Defendant Uber Technologies, Inc., a for-profit transportation network company
25 based in California, with its subsidiaries Defendants Rasier, LLC and Rasier-CA, LLC, provides
26 transportation services through thousands of vehicles in California. Uber uses smart phone
27 software applications to arrange rides between passengers and its fleet of drivers in much the
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same way that a taxi dispatch arranges rides for customers. Uber closely monitors and controls interactions between its drivers and customers. Uber's customers request rides through Uber; Uber identifies an available driver to transport each customer; Uber bills customers for their rides in UberX vehicles; Uber provides customers with receipts; and Uber handles inquiries and complaints from customers concerning Uber's drivers and taxi services. Uber also controls the financial transaction associated with each ride that UberX drivers provide to customers.

7 28. Defendants Rasier, LLC, and Rasier-CA, LLC are wholly-owned subsidiaries of
8 Uber that operate within the state of California. Upon information and belief, these subsidiaries
9 are required parties pursuant to Federal Rule of Civil Procedure 19(a)(1) because in their
10 absence, the court cannot accord complete relief from Uber alone.

FACTUAL ALLEGATIONS

12 29. Uber provides several different taxi services to members of the general public in a
13 rapidly expanding number of metropolitan areas across California and the United States. Uber's
14 taxi services vary based on the type of vehicle providing the transportation. UberX is one of
15 Uber's most cost-effective taxi services. To use Uber taxi services, an individual must either (1)
16 create a user account, and provide Uber with her phone number, credit card information, and
17 email address, or (2) travel as the guest of an individual with an Uber customer account. Uber
18 has developed mobile software applications for iPhones, Android phones, and Windows phones
19 that customers use to request transportation from Uber for themselves and/or guests. An UberX
20 taxi vehicle is able to transport a single passenger or group of passengers traveling together up to
21 the safe capacity of the requested vehicle, which is usually no more than four passengers.

22 30. To use the UberX taxi service, a customer submits a request on behalf of himself
23 or other passengers through one of Uber's mobile software applications. Once Uber identifies the
24 vehicle that will provide the requester or the requester's party with taxi service, Uber notifies the
25 requester either by text message or through its smart phone application. The notification includes
26 the UberX driver's name, customer rating, phone number, vehicle license plate number, make
27 and model of the UberX vehicle, and the driver's estimated time of arrival. Uber's mobile

1 application allows the requesting customer to track the UberX vehicle's location as the driver
2 navigates to the requesting customer's identified pick-up address. Requesting customers may
3 also submit the desired trip destination through Uber's mobile application.

4 31. Uber notifies the requesting customer once his or her UberX vehicle has arrived.
5 The requester or any other associated passengers may then board the vehicle. If the requesting
6 customer submitted the destination address to Uber, then Uber will supply the UberX driver with
7 turn-by-turn directions to the desired destination. If the requesting customer did not enter the
8 destination into Uber's application, the passenger(s) must provide the driver with the desired
9 destination. The driver then starts the fare meter in the Uber software application and proceeds to
10 the desired destination. When the vehicle arrives at the desired destination, the driver ends the
11 trip in the Uber smart phone application.

12 32. Uber decides who may provide its UberX taxi service. Individuals who wish to
13 provide UberX taxi services must take an exam, undergo a criminal background check, undergo
14 a driving record check, present their driver's license, vehicle registration, and driver's insurance,
15 and complete various forms. Once an individual becomes an UberX driver, Uber controls which
16 trip requests are transmitted to each of its UberX drivers. Uber also exercises exclusive control
17 over termination of UberX drivers, and Uber routinely terminates drivers for several reasons,
18 including for poor ratings from customers.

19 33. Uber also controls who may use the UberX taxi service. Uber makes the UberX
20 service available only to passengers when at least one requesting customer has a credit card and a
21 smart phone that can run one of its mobile applications, creates an Uber account, and requests a
22 ride through Uber's mobile application. Customers cannot access the UberX taxi service by
23 physically hailing an UberX vehicle on the street.

24 34. Uber exercises significant control over the UberX taxi service, and Uber has
25 detailed requirements for driver conduct and appearance. Uber has requirements for the type and
26 age of the vehicle that drivers may use to provide the UberX taxi service. In addition, before an
27 UberX driver may use a vehicle to provide UberX taxi services in California, the vehicle must
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1 pass an inspection. Uber also requires that UberX drivers refrain from smoking while providing
2 Uber taxi services, refrain from asking customers to give them five-star ratings, and meet or
3 exceed the estimated time-of-arrival that Uber generates and provides to each customer. In
4 addition, Uber instructs UberX drivers that the share of trip requests that they accept through
5 Uber's application should be consistently high, and that UberX drivers may not accept street
6 hails from potential passengers. Furthermore, Uber issues training and directives concerning
7 other requirements to UberX drivers.

8 35. Uber also closely monitors its UberX drivers. Uber records many details about the
9 taxi services that its UberX drivers provide, including for each trip: (1) the pickup location, (2)
10 the time of pickup, (3) the drop off location, (4) the time of drop off, (5) the distance traveled, (6)
11 the trip route, (7) the trip duration, and (8) the customer's identity. Uber employees who
12 supervise drivers have easy access to this data. In addition, Uber periodically reviews the driving
13 record for each of its UberX drivers. Uber also monitors its UberX drivers' performance by
14 asking customers for written feedback after every ride that a driver provides, and Uber routinely
15 follows up with customers who express dissatisfaction. Customers who wish to lodge complaints
16 concerning UberX drivers do so by contacting Uber. Furthermore, Uber regularly terminates or
17 suspends UberX drivers whose average customer rating falls below a certain threshold.

18 36. In addition, Uber provides UberX drivers with supplies necessary to provide
19 Uber's taxi services. Uber provides UberX drivers with iPhones loaded with Uber's smart phone
20 application. When providing Uber's taxi services, drivers use these phones to receive and
21 respond to trip requests, receive GPS-based navigational guidance, record the beginning and end
22 of each trip, communicate with customers, and cancel trips. In addition, Uber maintains general
23 commercial liability insurance to cover claims concerning incidents that occur while drivers are
24 providing UberX taxi services.

25 37. Uber tightly controls payment for its UberX taxi services. Customers do not pay
26 drivers of Uber vehicles directly. Instead, Uber automatically charges a customer's credit card
27 after the UberX vehicle arrives at the desired destination. Uber has exclusive control over the
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1 fares that customers pay and the compensation that UberX drivers receive. Fares for Uber's taxi
2 services are based on the duration and distance of each trip and other factors such as demand at
3 the time and place of the ride, as determined by Uber's algorithms. Uber keeps twenty percent of
4 each fare. Thus, Uber compensates its UberX drivers based on the duration and distance of the
5 trips that they provide to passengers. Payments are not transferred directly from customers to
6 UberX drivers; rather, Uber collects and holds customer payments, deducts fees, and then later
7 transfers money to drivers on a set schedule. Customers who dispute the fare for a particular trip
8 must contact Uber customer service representatives to request an adjustment to their fares.

9 38. Thus, Uber closely monitors and controls interactions between UberX drivers and
10 customers. Uber decides which of its UberX drivers may transport each customer. In addition,
11 Uber specifies how quickly each UberX driver should pick up each customer. After UberX
12 drivers pick up customers, Uber routinely provides UberX drivers with directions to customers'
13 destinations, and Uber specifies driver conduct that is prohibited while UberX drivers transport
14 customers. Moreover, Uber decides how much each customer will be charged for each trip and
15 how much it will compensate the driver for the trip, and Uber provides each customer with a fare
16 receipt. Customers and drivers must communicate through Uber's mobile application. Uber
17 records trip-related details about every trip that each UberX driver provides to each customer,
18 and Uber collects written feedback from every customer concerning the quality of each UberX
19 driver's performance after every trip. Furthermore, customers who forget personal property in
20 UberX vehicles may contact Uber to request assistance retrieving that property.

21 39. On September 19, 2013, the California Public Utilities Commission ruled that
22 Uber is a transportation provider with respect to the UberX service. The Commission requires
23 that Uber possess a Class P Charter Party Carrier permit issued by the Commission to operate the
24 UberX service in California. The Commission concluded that Uber is a transportation provider
25 because Uber provides essentially the same function as a taxi dispatch office and because Uber
26 controls payment for its transportation services. The Commission also explained that the fact that
27 a smart phone application is used to arrange Uber's transportation service is irrelevant to whether
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1 Uber is a transportation provider. In addition, the Commission stated that Uber may not
2 discriminate against people with disabilities in the provision of its UberX transportation service
3 and required that Uber's website and mobile applications comply with Level AA of version 2.0
4 of the Web Content Accessibility Guidelines.

5 40. Members of Plaintiff NFB of California and other blind individuals use Uber's
6 UberX taxi service. Many of these individuals operate Uber's smart phone software application
7 using text-to-speech technology that is built into iPhones. Text-to-speech software, commonly
8 used by persons who are blind or visually impaired, enables blind persons to operate smart
9 phones by translating visual information and text displayed on a touchscreen device into audible
10 synthesized speech or into Braille on a portable electronic braille display.

11 41. UberX drivers have refused on the basis of disability to transport many blind
12 individuals with service animals, including members of Plaintiff NFB of California.

13 42. For example, Jamey Gump is blind, uses a guide dog, and is a member of NFB of
14 California. On or about March 23, 2014, an UberX driver refused to transport Mr. Gump in San
15 Leandro, California from a work-related event to his home. On that occasion, Mr. Gump used the
16 Uber mobile app to summon an UberX taxi. The UberX driver pulled the vehicle up to where
17 Mr. Gump was standing on the curb and, after noticing that Mr. Gump had a dog, said "no pets
18 allowed." Mr. Gump tried to explain that his guide dog was a service animal and that the UberX
19 driver had a legal obligation to allow the service animal into the vehicle. Mr. Gump attempted to
20 show the UberX driver an official guide dog identification card issued by his guide dog's
21 training program. The driver adamantly refused to let Mr. Gump into the vehicle and drove
22 away.

23 43. On or about May 21, 2014, another UberX driver refused to transport Mr. Gump
24 and a friend who also uses a service animal because of their service animals. On that occasion,
25 Mr. Gump and Manveen Chahal, a friend and fellow member of NFB of California who also
26 uses a service animal, were enjoying an evening at the Dutch Goose, a local pub in downtown
27 Menlo Park, California. Mr. Gump had planned to leave on a trip early the next morning and
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1 requested an UberX ride to get to his home in Menlo Park because of the late hour. After the
 2 requested UberX vehicle had pulled up to the curb, Mr. Gump and Mr. Chahal attempted to enter
 3 the vehicle and opened a passenger door. The UberX driver began shouting “no dogs!” Mr.
 4 Gump tried to explain that their dogs were service animals for their disabilities and were legally
 5 allowed in the vehicle. The UberX driver began shouting and cursing at Mr. Gump and Mr.
 6 Chahal in a language that Mr. Gump did not understand. Mr. Chahal speaks the language and
 7 was offended by the profanity and insults. As Mr. Gump attempted to enter the vehicle, the
 8 UberX driver quickly accelerated the vehicle forward, nearly injuring Mr. Gump’s guide dog and
 9 causing an open passenger door to strike Mr. Chahal. The UberX driver then sped away and
 10 cancelled the ride request. Mr. Gump and Mr. Chahal immediately called the police to file a
 11 report and used alternative transportation to travel home approximately forty-five minutes later.

12 44. On August 20, 2014, Mr. Gump requested an UberX ride to pick him up at 214
 13 Van Ness Ave., San Francisco, California. Mr. Gump determined from the map in the Uber
 14 iPhone application that his requested vehicle was about to turn onto his street. Mr. Gump then
 15 went out to the curb with his guide dog in direct sight of the oncoming vehicle to intercept the
 16 UberX driver. Mr. Gump noticed a vehicle slow its speed to a near stop in front of him and then
 17 accelerate again as it passed him on the curb. A few seconds later, Mr. Gump received a
 18 notification on his phone that the UberX driver had cancelled the ride. Mr. Gump then requested
 19 a second UberX ride, but Uber assigned the exact same driver and vehicle to pick up Mr. Gump
 20 for a second time. Again, a few seconds after Mr. Gump received confirmation that this same
 21 driver was on the way, the driver cancelled on him for a second time.

22 45. Mr. Gump wants to use the UberX taxi service because it is available near his
 23 home, an area with limited public transportation, and it would be convenient if it was reliably
 24 accessible and non-discriminatory. However, after this most recent experience, he has used Uber
 25 less frequently than previously because he concluded that it is not a reliable transportation option
 26 for him. Notwithstanding Mr. Gump’s repeated complaints to Uber about his negative
 27 experiences over the last several months, his access to Uber’s services has not improved when he
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1 does still attempt to use the service. Mr. Gump hopes that Uber will change its policies and
 2 practices to better prevent discrimination against passengers with service animals so that he can
 3 enjoy Uber with the same convenience and reliability enjoyed by others.

4 46. Cody Austin Meyer is blind, uses a guide dog, and is a member of NFB of
 5 California. An UberX driver refused to transport Mr. Meyer on September 30, 2014. On that
 6 occasion, Mr. Meyer was shopping at a grocery store in the Mission Valley Shopping Center in
 7 Fremont, California and needed a way to transport his groceries back to his apartment. Mr.
 8 Meyer used the Uber iPhone app to request an UberX vehicle. An UberX driver was assigned to
 9 pick Mr. Meyer up at the shopping center. Mr. Meyer was standing on the curb in the shopping
 10 center waiting for the assigned UberX driver when Mr. Meyer noticed a vehicle pull up near
 11 where he was standing and remain inactive for an extended period of time. The UberX driver
 12 then called Mr. Meyer's cell phone. When the UberX driver observed Mr. Meyers answering his
 13 cell phone, the nearby vehicle rolled a window down and told Mr. Meyer "no dogs!" Mr. Meyer
 14 explained that it was a certified service animal and it was illegal for the driver to refuse to take
 15 him. The UberX driver then began to drive away. Mr. Meyer warned that he would report this
 16 incident to Uber. The UberX driver said "go ahead" and left.

17 47. Mr. Meyer was then charged a cancellation fee. Because Mr. Meyer did not want
 18 to risk being denied by yet another UberX driver, Mr. Meyer went to the bus stop with his
 19 groceries to catch the next bus. After a prolonged wait for the bus, Mr. Meyer called a friend to
 20 talk about the incident and that friend eventually came to pick up Mr. Meyer using the friend's
 21 personal vehicle. Using a computer equipped with screen reader software, software that enables
 22 blind individuals to read and interact with text and controls on properly coded websites, Mr.
 23 Meyer visited Uber's website the next day to submit a complaint. However, he had difficulty
 24 submitting a complaint on Uber's website because of its inaccessible design. Mr. Meyer called
 25 the telephone number listed on Uber's website and encountered a busy signal. Mr. Meyer was
 26 required to spend an extended period of time composing and submitting a written complaint to
 27 Uber in order to get the cancellation fee refunded.

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1 48. Brooklyn Rodden is blind, uses a guide dog, and is a member of NFB of
 2 California. An UberX driver refused to transport her and her boyfriend, Plaintiff Michael Kelly,
 3 who also uses a service animal, on or about September 13, 2014. On that occasion, Ms. Rodden
 4 used her Uber app to request an UberX vehicle so that she and Plaintiff Kelly could go out to
 5 dinner at Chicago Fire Pizza, a local pizza parlor in Sacramento, California. When the requested
 6 UberX driver arrived, Ms. Rodden and Plaintiff Kelly attempted to enter the vehicle with their
 7 service animals and were refused access by the UberX driver. Though Ms. Rodden and Plaintiff
 8 Kelly explained that the UberX driver's conduct was illegal, the UberX driver maintained his
 9 refusal to transport them because of their service animals and then drove away.

10 49. Jessie Lorenz is blind, uses a guide dog, and is a member of NFB of California.
 11 An Uber driver refused to transport Ms. Lorenz on or about November 30, 2012. On that
 12 occasion, Ms. Lorenz was leaving a fundraising event at Chevys Fresh Mex restaurant located at
 13 201 3rd Street in San Francisco. Ms. Lorenz and a friend both felt tired and decided to request an
 14 Uber taxi to BART. Ms. Lorenz's blind friend uses a white cane instead of a service animal.
 15 When the Uber vehicle arrived, the driver said "I don't take dogs." Ms. Lorenz did not want to
 16 have an argument with the Uber driver, so she did not protest. The driver was willing to transport
 17 Ms. Lorenz's blind friend, so he took the Uber vehicle. Ms. Lorenz then walked to BART alone.
 18 After that experience, Ms. Lorenz decided not to continue using Uber because she has other taxi
 19 options and does not want to deal with the potential hassle and humiliation that accompanies
 20 being denied a ride by an Uber driver.

21 50. Jonathan Lyens is blind, uses a guide dog, and is a member of NFB of California.
 22 An UberX driver refused to transport him from his home to a job interview in San Francisco,
 23 California on or about February 20, 2014. On or about 8:30 a.m. on that date, Mr. Lyens
 24 requested UberX transportation from his home in San Francisco. Uber notified Mr. Lyens that it
 25 had identified an UberX vehicle to transport him, and Uber notified Mr. Lyens when the vehicle
 26 arrived at his home. Mr. Lyens then went with his guide dog to the street in front of his home to
 27 find his UberX vehicle. Mr. Lyens observed that a vehicle arrived at his home briefly after Uber
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1 notified him that his transportation had arrived. Uber then notified Mr. Lyens that the driver of
 2 the Uber vehicle had cancelled his ride, and Mr. Lyens observed the vehicle in front of his home
 3 leave. As a result of this cancellation, Mr. Lyens had to pay a higher fare for transportation to his
 4 interview. He was also late to his interview because of the delay.

5 51. Juanita Herrera is a blind college student, uses a guide dog, is a member of NFB
 6 of California, and resides in Southern California. Ms. Herrera is interested in using the UberX
 7 service because it is more convenient and affordable than other taxi options. She attempted to use
 8 the UberX service for the first time on August 7, 2014. She requested a ride from the Macy's
 9 store located at 6200 Slauson Avenue in Culver City, California. She was standing in front of the
 10 store waiting for her requested ride when an Uber driver approached her and asked if she was
 11 waiting for Uber. She answered yes, and the Uber driver asked if her dog was coming with her.
 12 She told him that her dog would accompany her and that her dog is not a pet. She explained that
 13 her dog is a service animal and that he was legally required to take both her and her service
 14 animal. The UberX driver ignored her plea and refused to let her service animal enter the vehicle.
 15 The UberX driver told her that he was leaving for his next passenger. He then left Ms. Herrera
 16 standing dejected on the curb with her service animal. As a result, Ms. Herrera waited thirty
 17 minutes for a bus and then rode the bus for 25 minutes to get to her destination. The trip takes ten
 18 minutes in an UberX taxi.

19 52. Robert Schulenburg is blind, uses a guide dog, and resides in California. UberX
 20 drivers have refused to transport Mr. Schulenburg on at least five separate occasions in several
 21 California cities, including Santa Clara, San Jose, Campbell, and Sacramento, because of his
 22 guide dog. When these drivers were willing to speak with him, Mr. Schulenburg explained to the
 23 drivers that he had the legal right to bring his service animal with him, but the drivers ignored his
 24 explanations, and many of the drivers informed him that they had not received training
 25 concerning service animals. In addition, Uber has charged him cancellation fees after some
 26 UberX drivers refused to transport him, and Mr. Schulenburg has been forced to submit written
 27 complaints to Uber to get these fees refunded. When UberX drivers have refused to transport Mr.
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1 Schulenburg, he has faced delays of up to thirty minutes as he awaits alternative transportation.
 2 Mr. Schulenburg has submitted written complaints about these instances of discrimination to
 3 Uber. However, Uber has failed to inform Mr. Schulenburg whether Uber disciplined the
 4 relevant drivers or took any other steps to ensure that these drivers would not unlawfully
 5 discriminate against him again or other individuals with service animals. Instead, Uber
 6 responded to some of Mr. Schulenburg's complaints by stating that Uber cannot control its
 7 drivers' conduct because the drivers are independent contractors and by advising Mr.
 8 Schulenburg that he should inform UberX drivers of their legal obligation to allow his service
 9 animal to accompany him.

10 53. Richard Rueda is blind, uses a guide dog, and resides in California. Mr. Rueda
 11 attended the annual convention for NFB of California, which was held in Southern California on
 12 October 9-12, 2014. In connection with Mr. Rueda's travels to and from that convention, at least
 13 two different UberX drivers refused to transport him because of his service animal. On October
 14 10, 2014, Mr. Rueda requested an UberX trip from his parents' home in Whittier, California to
 15 the NFB of California convention at the Embassy Suites in El Segundo. When the driver arrived,
 16 he stepped out of his vehicle and informed Mr. Rueda that he would not transport dogs because
 17 he has had issues with dogs in the past. In response, Mr. Rueda explained to the driver that his
 18 dog was a service animal, not a pet. The UberX driver repeated his objection, reentered his
 19 vehicle, and left the scene.

20 54. Again, on October 12, 2014, Mr. Rueda requested an Uber vehicle back to his
 21 parents' home in Whittier. An Uber driver accepted the trip request. Mr. Rueda called the driver
 22 to inform her of his location and to inform her that he had a service animal. In response, the
 23 driver stated that she could not transport him because of the dog and then canceled his ride
 24 request. Mr. Rueda then requested a second Uber vehicle. Again, after Mr. Rueda spoke with this
 25 driver on the phone, the driver canceled the trip. Mr. Rueda made a third attempt and requested a
 26 third Uber vehicle. A driver named Jesus accepted his trip request and transported him without
 27 incident. When Mr. Rueda told Jesus about Uber drivers denying him rides, Jesus stated that he
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1 knew of other Uber drivers who refused to transport dogs because the drivers did not want dog
2 hair in their cars.

3 55. Thomas Foley is blind, uses a guide dog, and resides in California. An UberX
4 driver refused to transport Mr. Foley on or about September 5, 2014. On that occasion, Mr. Foley
5 used the Uber app to request an UberX ride from his place of work in Berkeley, California on his
6 way to an appointment. He waited for his ride in front of the building. The Uber app notified Mr.
7 Foley that his vehicle, a Toyota Corolla, was arriving, and a few seconds later a car pulled up
8 about ten feet from him. Mr. Foley proceeded to the car, reached for the door, and shouted
9 "Uber?" The car then drove away. Approximately 30 seconds later, the Uber app informed Mr.
10 Foley that the driver had cancelled his ride. Mr. Foley then conferred with a sighted individual at
11 a nearby bus stop who confirmed that the car that just drove away was a Toyota Corolla and that
12 the driver looked at Mr. Foley and his guide dog shortly before leaving the scene. Mr. Foley was
13 late to his appointment because of this incident.

14 56. Sarah Outwater is blind and uses a guide dog. UberX drivers refused to transport
15 her in Boston on at least twelve separate occasions over the last year. Uber charged her
16 cancellation fees in some instances where the UberX vehicles refused to transport her. In
17 addition, the same UberX driver refused to transport her on three of these occasions, despite an
18 Uber representative's prior assurances that Uber would address the driver's discriminatory
19 practices.

20 57. Mark Cadigan is blind and uses a guide dog. During the month of August 2014,
21 Mr. Cadigan was denied service by two UberX drivers in the Boston area because of his service
22 animal. On both occasions, Uber charged Mr. Cadigan cancellation fees after the UberX drivers
23 cancelled the trip. Mr. Cadigan was forced to submit written complaints to Uber and to wait one
24 to three business days to get these cancellation fees refunded. His written complaints also
25 described the discrimination that he experienced. Mr. Cadigan is unsatisfied with Uber's
26 responses to his complaints. He received no formal response on one occasion and was verbally
27 told on the other occasion that the UberX driver had merely been reprimanded. Mr. Cadigan
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1 believes Uber does not adequately or consistently discipline UberX drivers when complaints are
2 made to Uber customer service representatives.

3 58. Kristin Fleschner is blind and uses a guide dog. UberX drivers refused to transport
4 her in the Boston area because of her service animal on at least five separate occasions over the
5 previous year. On one of those occasions she was left stranded in the rain while trying to secure
6 replacement transportation. Ms. Fleschner was unable to submit a complaint on Uber's website
7 because of accessibility barriers in the design of that website that prevent a blind person from
8 using it with standard screen access software.

9 59. Melissa Riccobono is blind and uses a guide dog. An UberX driver refused to
10 transport Ms. Riccobono in the Baltimore, Maryland, area on October 8, 2014. On that occasion,
11 Ms. Riccobono needed to travel to a local pharmacy to pick up a prescription for her sick child,
12 who had a high fever. The UberX driver that she had requested using Uber's app refused to take
13 her because of her service animal. The driver maintained his refusal even after Ms. Riccobono
14 had explained her rights and tried to change the driver's mind. Ms. Riccobono is a mother of
15 three young children and depends on reliable and timely transportation services to take care of
16 her family.

17 60. Mariea Harris is blind and uses a guide dog. An UberX driver refused to transport
18 Ms. Harris in the Charlotte, North Carolina, area on October 25, 2014 because she uses a service
19 animal. Ms. Harris planned to use Uber to travel from her home to a local grocery store with a
20 friend who also uses a service animal. When the requested UberX vehicle arrived, Ms. Harris
21 received a notification in the Uber app. Ms. Harris's friend who uses a service animal went
22 outside to intercept the vehicle. The UberX driver refused to let Ms. Harris's friend into the
23 vehicle because of her guide dog. Ms. Harris then came out of the house with her guide dog and
24 approached the vehicle to talk to the UberX driver through the open driver-side window. The
25 UberX driver told Ms. Harris that he did not have to take the dogs because the vehicle was his
26 own personal car. Ms. Harris explained that the ADA required the UberX driver to transport the
27 dogs and that the driver could lose his job if he did not comply. The UberX driver disagreed,
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1 drove away, and canceled the trip request. Ms. Harris attempted to go to Uber's website to file a
 2 complaint while she waited for alternative transportation. Ms. Harris then experienced difficulty
 3 using Uber's website because of accessibility barriers in its design that inhibited her from using
 4 her screen reader technology to access the content on Uber's website.

5 61. Dimitrios Kouniaris is blind and uses a guide dog. During August 2014, UberX
 6 drivers refused to transport Mr. Kouniaris on two occasions in Austin, Texas because of his
 7 service animal. On both occasions, Mr. Kouniaris was stranded in temperatures of over 100 °F as
 8 he waited for alternative transportation. Uber also charged Mr. Kouniaris a cancellation fee and
 9 only refunded it after he complained. Mr. Kouniaris has since stopped using the UberX service
 10 because he does not want to face the risk that additional UberX drivers will refuse to transport
 11 him or mistreat him because of his service animal. However, Mr. Kouniaris wants safe reliable
 12 access to the UberX service.

13 62. Plaintiffs are aware of other blind persons throughout California and the United
 14 States whom UberX drivers refused to transport because those individuals had service animals.

15 63. In addition, some UberX drivers mishandle transportation services for blind
 16 people using guide dogs even when they do not outright deny service. For example, Leena
 17 Dawes is blind and uses a guide dog. On or about March 27, 2014, an UberX driver locked Ms.
 18 Dawes' guide dog in the closed trunk of his sedan before transporting Ms. Dawes in Sacramento,
 19 California. Once Ms. Dawes had realized that her dog was in the trunk, she demanded that the
 20 driver pull over so that she could retrieve her dog, but the driver refused her request. Ms. Dawes
 21 transmitted a written complaint about this incident to Uber. Uber has failed to inform Ms. Dawes
 22 whether Uber fully investigated her complaint or took any meaningful action to ensure that the
 23 driver does not abuse service animals in this manner in the future.

24 64. Uber also employs a rating system of its customers that tends to disparately affect
 25 blind passengers with service animals and reduce their access to the service. After every
 26 completed ride, Uber allows its drivers to rate each passenger on a scale from one to five similar
 27 to the scale passengers are given to rate every driver after a ride concludes. Upon information
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1 and belief, Uber will not match an UberX driver to the passenger a second time if the UberX
 2 driver gives that passenger a low rating. Uber drivers can also review an assigned passenger's
 3 average rating by other Uber drivers before deciding whether to travel to pick up that assigned
 4 passenger. When Uber drivers do begrudgingly accept a passenger with a service animal who has
 5 successfully persuaded a driver not to violate the law, the Uber driver has an incentive to rate
 6 that passenger lower on the rating scale, which will make it less likely that Uber will assign that
 7 same driver to that passenger again in the future. This creates a system in which blind passengers
 8 with service animals have fewer options to connect with drivers.

9 65. Many of the preceding blind individuals submitted written complaints to Uber
 10 concerning the discriminatory treatment that they had experienced. However, Uber has failed to
 11 inform most of these individuals whether Uber has fully investigated their complaints,
 12 disciplined the relevant drivers, or taken any other meaningful steps to ensure that these drivers
 13 do not unlawfully discriminate against other individuals with service animals. Uber
 14 representatives instead informed many blind guide dog users that "the drivers are independent
 15 contractors" and Uber "cannot control their actions" and advised blind guide dog users to "let
 16 your driver know when he or she is on the way to your pickup location that you have a guide
 17 dog[.]"

18 66. Plaintiff Kelly is blind, uses a guide dog, and is a member of NFB of California.
 19 Plaintiff Kelly lives in the Sacramento, California area and regularly depends on transportation
 20 services to travel for work and leisure. Mr. Kelly regularly travels with his girlfriend, Brooklyn
 21 Rodden, who also is blind and uses a guide dog. Mr. Kelly's girlfriend has an Uber account that
 22 she often uses to request UberX taxi services for her and Mr. Kelly to use. An UberX driver
 23 recently refused to transport Mr. Kelly and Ms. Rodden on September 13, 2014 because of their
 24 guide dogs. Mr. Kelly and Ms. Rodden intend to keep using UberX transportation services. Mr.
 25 Kelly wants Uber to change its policies and practices so that the denials of service that he and
 26 Ms. Rodden experienced do not recur.

1 67. Plaintiff Hingson is blind, uses a guide dog, and is a member of NFB of
 2 California. Mr. Hingson previously downloaded the Uber app onto his iPhone but ultimately
 3 decided against creating an account and trying to use the service. Mr. Hingson learned that
 4 UberX drivers often refuse to transport blind individuals with service animals. Because of Mr.
 5 Hingson's position as Vice President of the National Association of Guide Dog Users and his
 6 longstanding involvement with membership activities within NFB of California, he has specific
 7 and general knowledge of the experiences of multiple Uber passengers with service animals who
 8 have been denied access. Through his regular contact with members of NFB of California and
 9 other members of the blind community, Mr. Hingson has known of specific refusals by UberX
 10 drivers to transport individuals with guide dogs over the past year. Additionally, through his
 11 activities with NFB of California, Mr. Hingson regularly attends events where fellow blind
 12 attendees with service animals are having trouble using the UberX service. Most recently, Mr.
 13 Hingson attended the annual state convention for NFB of California, which was held at the
 14 Embassy Suites South, El Segundo, CA, on October 9-12, 2014. Mr. Hingson met convention
 15 attendees with service animals who were experiencing denials when attempting to use UberX to
 16 travel to and from the convention hotel. Mr. Hingson has refrained and continues to refrain from
 17 creating an Uber user account or otherwise using Uber's transportation services because he fears
 18 experiencing similar discrimination.

19 68. Mr. Hingson was deterred from using UberX on many specific occasions. For
 20 example, on or about December 5, 2013, Mr. Hingson was planning to travel to a job interview
 21 at an executive recruiting firm in San Francisco. At that time, Mr. Hingson was aware that Uber
 22 was available in San Francisco. However, because of a tight schedule, Mr. Hingson decided not
 23 to attempt to use the UberX taxi service because he could not afford to be delayed by an UberX
 24 driver refusing to take his guide dog. Instead, Mr. Hingson arranged for a taxicab well in
 25 advance of his transit and extended his trip so that he could use nondiscriminatory transportation
 26 services to travel to his appointment on time.

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1 69. Plaintiff Hingson was further deterred from using Uber on January 20, 2014. On
2 that occasion, Mr. Hingson needed to quickly travel from the Ferry Building in San Francisco to
3 a speaking engagement at Wells Fargo. Mr. Hingson could not risk arriving late for this
4 important professional engagement. Mr. Hingson wanted to use UberX because of its general
5 convenience and the quality of the vehicles. However, he was deterred from doing so because he
6 did not want to wait for the UberX vehicle to arrive and then discover that the driver would
7 refuse to take his service animal.

8 70. Plaintiff Hingson was similarly deterred from using Uber on or about May 15,
9 2014. Mr. Hingson needed to travel within San Francisco to a meeting with a press contact. Mr.
10 Hingson wanted to use UberX to attend this meeting. However, Mr. Hingson wanted to be
11 focused for this meeting and believed the stress of encountering an improperly trained UberX
12 driver that refused to transport his service animal would cause him stress and negatively affect
13 his performance at the meeting.

14 71. Likewise, on or about September 28, 2014, Mr. Hingson traveled from Los
15 Angeles to San Francisco to attend meetings with marketing consultants for the purpose of
16 filming video footage. Mr. Hingson needed to coordinate his travel schedule with airline flights
17 and maximize his time with these consultants during the trip. He wanted to use the UberX
18 service, but could not afford to waste unnecessary time in transit caused by a driver refusing to
19 take his service animal.

20 72. Plaintiff Hingson would like to use UberX for future travel. For example, Mr.
21 Hingson will travel to Sacramento on March 9, 2015 for business. Mr. Hingson would like to use
22 UberX for traveling around Sacramento if he had some assurance that he would not be denied
23 transportation because of his service animal. Mr. Hingson would like to use UberX on this and
24 many other upcoming trips. However, UberX is currently not a reliable source of transportation
25 for Mr. Hingson because of the risk that an UberX driver will refuse to transport him and his
26 service animal. Mr. Hingson hopes that Uber will take responsibility for the conduct of its
27 drivers and use the control that it has over them to prevent and minimize discrimination. Mr.
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1 Hingson would use UberX if Uber properly trained drivers, adopted and enforced effective
2 antidiscrimination policies, and provided blind passengers a convenient way to immediately
3 report discrimination so that he has some assurance that UberX will be as reliable and convenient
4 for him and his guide dog as it is for others.

5 73. Plaintiff Pedersen is blind, uses a guide dog, and resides in San Francisco,
6 California. Mr. Pedersen regularly uses transportation services, such as UberX, to commute to
7 work. Over the previous year, UberX drivers refused to transport Mr. Pedersen multiple times
8 because of his guide dog.

9 74. Most recently, on or about September 12, 2014, Mr. Pedersen's wife used her
10 Uber account to request an Uber vehicle for Mr. Pedersen as he was preparing to leave for work
11 in the morning. Mr. Pedersen heard that the UberX driver had pulled up in front of his home and
12 went outside to enter the vehicle. Mr. Pedersen knocked on the window of the vehicle and asked,
13 "Uber?" The UberX driver said, "yes, but I don't take dogs." Mr. Pedersen explained that his dog
14 was a service animal and the UberX driver was legally required to transport him. The UberX
15 driver replied, "I don't care. It's not my problem." The UberX driver then drove away and
16 canceled the trip request. Mr. Pedersen's wife was charged a \$5 cancellation fee. Mr. Pedersen
17 then used Flywheel, a competing transportation service, to obtain alternative taxi service.
18 Because of the delay caused by the UberX driver, Mr. Pedersen missed his connection to a
19 commuter shuttle and was late for work. Mr. Pedersen would like to keep using Uber without
20 fear that he will be denied service and made late for work or other appointments. Mr. Pedersen
21 wants Uber to change its policies and practices so that he can enjoy the same reliability and
22 convenience of Uber's transportation services that others without service animals enjoy.

23 75. Uber is violating basic equal access requirements under both the ADA and state
24 law by failing to implement policies and procedures that would prevent or reduce discrimination
25 against blind riders committed by UberX drivers. Because Uber closely monitors and tightly
26 controls interactions between UberX drivers and its customers, Uber can adopt and enforce
27 policies and procedures that would prevent or reduce discrimination against blind individuals
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with service animals, including members of Plaintiff NFB of California. These policies would include, but are not limited to, the following:

1. Provide an accessible method for blind individuals with service dogs to immediately and efficiently report instances where Uber drivers refuse to transport them on the basis of disability;
 2. Establish a procedure for quickly investigating complaints and informing such blind persons of the outcome of their complaints;
 3. Provide mandatory periodic training to Uber drivers concerning legal access requirements applicable to service animals and explain to drivers the consequences for failing to comply with these legal obligations;
 4. Meaningfully discipline drivers who deny access to blind riders with service animals and permanently terminate drivers who violate service animal policies on more than one occasion; and
 5. Randomly deploy blind testers who use guide dogs to proactively identify—for retraining or termination—drivers who refuse to transport individuals with disabilities because of the presence of their service animals.

76. On June 3, 2014, Plaintiff NFB of California and Plaintiff Hingson wrote to Defendant Uber Technologies, Inc. to notify it about the unlawful discrimination in the provision of UberX taxi services to blind individuals with service animals. On July 16, 2014, Plaintiff NFB of California and Plaintiff Hingson proposed to Defendant that the parties attempt structured negotiations to resolve the issue without a lawsuit. On August 8, 2014, Defendant rejected Plaintiffs' proposal for structured negotiations. Defendant has since then failed to take adequate measures to remedy the discrimination, and UberX drivers continue to discriminate against blind customers with service animals.

FIRST CAUSE OF ACTION

Violation of Title III of the Americans with Disabilities Act

(42 U.S.C. § 12101, *et seq.*)

1 77. Plaintiffs incorporate by reference the foregoing allegations as though fully set
 2 forth herein.

3 78. Members of Plaintiff NFB of California including Plaintiffs Kelly and Hingson
 4 are qualified individuals with disabilities within the meaning of Title III of the ADA. Plaintiff
 5 Pedersen is also a qualified individual with a disability within the meaning of Title III of the
 6 ADA.

7 79. Title III of the ADA prohibits discrimination on the basis of disability in the full
 8 and equal enjoyment of specified public transportation services provided by a private entity that
 9 is primarily engaged in the business of transporting people and whose operations affect
 10 commerce. 42 U.S.C. § 12184(a); 49 C.F.R. § 37.5(a), (f).

11 80. Defendants are primarily engaged in the business of transporting people within
 12 the meaning of Title III of the ADA and its regulations. 42 U.S.C. § 12184(a). Defendants
 13 operate a taxi service and specified public transportation within the meaning of Title III of the
 14 ADA and its regulations. 49 C.F.R. §§ 37.3, 37.29, App. D § 37.29. The operations of
 15 Defendants affect commerce.

16 81. Title III prohibits private entities providing specified public transportation from
 17 imposing eligibility criteria that screen out or tend to screen out individuals with disabilities from
 18 fully enjoying the specified public transportation services provided by the entity, unless such
 19 criteria can be shown to be necessary for the provision of the services being offered. 42 U.S.C. §
 20 12184(b)(1); 49 C.F.R. § 37.5(f); 28 C.F.R. § 36.301(a).

21 82. By operating a taxi service that dispatches drivers who unlawfully discriminate
 22 and refuse to transport blind individuals with service animals and by operating a customer rating
 23 system that, on information and belief, reduces the number of UberX drivers available to
 24 Plaintiffs and other blind customers with service animals, Defendants violate Title III of the
 25 ADA because Defendants are utilizing eligibility criteria that screen out or tend to screen out
 26 Plaintiffs and other blind individuals with guide dogs from fully enjoying the UberX taxi service.
 27 42 U.S.C. § 12184(b)(1); 28 C.F.R. § 36.302(a).

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DISABILITY RIGHTS ADVOCATES
 2001 CENTER STREET, FOURTH FLOOR
 BERKELEY, CALIFORNIA 94704-1204
 (510) 665-8644

1 83. It is a violation of Title III for private entities providing specified public
2 transportation to fail to make reasonable modifications in policies, practices, or procedures when
3 such modifications are necessary to afford the entity's goods, services, facilities, privileges,
4 advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate
5 that making such modifications would fundamentally alter the nature of such goods, services,
6 facilities, privileges, advantages, or accommodations. 42 U.S.C. §§ 12184(b)(2)(a),
7 12182(b)(2)(a)(ii); 49 C.F.R. § 37.5(f); 28 C.F.R. § 36.302(a).

8 84. By failing to modify practices, policies, and procedures to ensure that drivers of
9 UberX vehicles are properly trained and do not refuse to transport Plaintiffs and other blind
10 individuals with service animals, Defendants are denying Plaintiffs full and equal access to the
11 specified public transportation offered by Defendants.

12 85. Title III regulations prohibit private entities providing taxi services and other
13 transportation services from discriminating by refusing to provide transportation services to
14 people with disabilities who can physically access vehicles. 49 C.F.R. §§ 37.5(a)-(b), (f),
15 37.29(c).

16 86. Title III regulations also specifically require that private entities providing
17 transportation services permit service animals to accompany people with disabilities in vehicles
18 and facilities. 49 C.F.R. §§ 37.5(f), 37.37(f), 37.167(a), (d); 28 C.F.R. § 36.302(c)(1).

19 87. Defendants violate Title III of the ADA by refusing to provide transportation
20 services to blind individuals with service animals, including Plaintiffs, who can physically access
21 UberX vehicles. Defendants therefore violate Title III of the ADA by denying Plaintiffs full and
22 equal access to the services, facilities, privileges, advantages, and accommodations of
23 Defendants' UberX transportation service.

24 88. In addition to operating specified public transportation within the meaning of
25 Section 304 of the ADA, Defendants' UberX service is also a demand responsive system within
26 the meaning of Section 302 of the ADA. 42 U.S.C. § 12182(b)(2)(c). By operating a demand
27 responsive system that dispatches drivers who unlawfully discriminate and refuse to transport
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1 Plaintiffs and other blind customers with service animals on the basis of disability, Defendants
 2 violate Title III and regulations applicable to demand responsive systems within the meaning of
 3 Section 302 of the ADA. 49 C.F.R. §§ 37.3, 37.21(a)(3), 37.167(a), (d); 28 C.F.R. §
 4 36.302(c)(1).

5 89. The regulations implementing Title III of the ADA require that private entities
 6 operating demand responsive transportation systems, including demand responsive systems that
 7 are also specified public transportation, must train personnel to proficiency so that they operate
 8 vehicles safely and properly assist and treat individuals with disabilities. 49 C.F.R. § 37.173.

9 90. On information and belief, Defendants also violate Title III of the ADA by failing
 10 to train Defendants' personnel to proficiency so that they properly assist and treat Plaintiffs and
 11 other blind customers with service animals.

12 91. Title III of the Americans with Disabilities Act also prohibits discrimination on
 13 the basis of disability by owners, operators, lessees, and lessors of places of public
 14 accommodation. 42 U.S.C. § 12182(a).

15 92. Defendant Uber, in cooperation with Defendants Rasier, LLC, and Rasier-CA,
 16 LLC, owns, operates, or leases vehicles providing taxi service and specified public transportation
 17 within the meaning of Title III of the ADA and its regulations. 49 C.F.R. §§ 37.3, 37.29, App. D
 18 § 37.29. The vehicles providing taxi services owned, operated, or leased by Uber are places of
 19 public accommodation within the meaning of Title III of the ADA. 42 U.S.C. §§ 12181(10),
 20 12184(a); 28 C.F.R. § 36.104. Except for modifications to vehicles providing taxi services for
 21 the purpose of wheelchair accessibility, all of the antidiscrimination provisions of Title III of the
 22 ADA apply to the goods, services, facilities, privileges, advantages, and accommodations of
 23 vehicles providing taxi services.

24 93. Title III prohibits entities that own, operate, lease, or lease to places of public
 25 accommodation from excluding, on the basis of disability, individuals with disabilities from
 26 participating in or benefiting from the goods, services, facilities, privileges, advantages, or
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1 accommodations of public accommodations or otherwise discriminating against a person on the
2 basis of disability. 42 U.S.C. § 12182(b)(1)(A)(i); 28 C.F.R. § 36.202(a).

3 94. By failing to adopt policies and practices that will prevent or reduce
4 discrimination against blind individuals with service animals in the provision of the UberX taxi
5 service, Defendants violate Title III of the ADA by excluding Plaintiffs on the basis of disability
6 from enjoying the services, privileges, advantages, or accommodations of UberX vehicles.

7 95. Under Title III, it is also unlawful for entities that own, operate, lease, or lease to
8 places of public accommodation to afford, on the basis of disability, an individual or class of
9 individuals with disabilities with an opportunity to participate in or benefit from a good, service,
10 facility, privilege, advantage, or accommodation that is not equal to that afforded other
11 individuals. 42 U.S.C. § 12182(b)(1)(A)(ii); 28 C.F.R. § 36.202(b).

12 96. Defendants violate Title III of the ADA by providing Plaintiffs and other blind
13 individuals who use service animals an opportunity to participate in or benefit from the services,
14 privileges, advantages, or accommodations of UberX vehicles that is not equal to that afforded
15 other individuals. 42 U.S.C. § 12182(b)(1)(A)(ii); 28 C.F.R. § 36.202(b).

16 97. Title III further prohibits entities that own, operate, lease, or lease to places of
17 public accommodation from providing, on the basis of disability, an individual or class of
18 individuals with a good, service, facility, privilege, advantage, or accommodation that is
19 different or separate from that provided to other individuals. 42 U.S.C. § 12182(b)(1)(A)(iii); 28
20 C.F.R. § 36.202(c).

21 98. By operating a taxi service that dispatches drivers who unlawfully discriminate
22 against and refuse to transport blind individuals with service animals, Defendants violate Title III
23 of the ADA because Uber provides Plaintiffs, on the basis of disability, with services, privileges,
24 advantages, and accommodations of UberX vehicles that are different or separate from that
25 provided to other individuals. 42 U.S.C. § 12182(b)(1)(A)(iii); 28 C.F.R. § 36.202(c).

26 99. It is a violation of Title III for entities that own, operate, lease, or lease to places
27 of public accommodation to fail to make reasonable modifications in policies, practices, or
28

1 procedures when such modifications are necessary to afford such goods, services, facilities,
 2 privileges, advantages, or accommodations to individuals with disabilities, unless the entity can
 3 demonstrate that making such modifications would fundamentally alter the nature of such goods,
 4 services, facilities, privileges, advantages, or accommodations. 42 U.S.C. § 12182(b)(2)(a)(ii);
 5 28 C.F.R. § 36.302(a).

6 100. By failing to modify practices, policies, and procedures to ensure that drivers of
 7 UberX vehicles are properly trained and do not refuse to transport blind individuals with service
 8 animals, Defendants are denying Plaintiffs full and equal access to UberX vehicles.

9 101. In addition, it is a violation of Title III to utilize, directly or through contractual or
 10 other arrangements, standards or criteria or methods of administration that have the effect of
 11 discriminating on the basis of disability. 42 U.S.C. § 12182(b)(1)(d); 28 C.F.R. § 36.204.

12 102. By administering Defendants' UberX taxi service in a manner that results in blind
 13 individuals who use service animals being denied access to the UberX service on the basis of
 14 disability, Defendants are denying Plaintiffs full and equal access to the services, privileges,
 15 advantages, and accommodations of UberX vehicles because Defendants are utilizing methods of
 16 administration that have the effect of discriminating on the basis of disability.

17 103. The actions of Defendants were and are in violation of the Americans with
 18 Disabilities Act, 42 U.S.C. §§ 12181, *et seq.*, and regulations promulgated thereunder. Many
 19 members of Plaintiff NFB of California, including Plaintiff Kelly, and other blind persons,
 20 including Plaintiff Pedersen, have been and continue to be denied access to Defendants' services
 21 on multiple occasions when they attempt to use Uber's UberX transportation service. Defendants
 22 have failed to take any equitable steps to remedy Uber's discriminatory conduct, and
 23 Defendants' violations of the ADA are ongoing. Defendants' unlawful actions also violate the
 24 ADA by deterring members of Plaintiff NFB of California, including Plaintiff Michael Hingson,
 25 from attempting to access the UberX taxi service. Unless the Court enjoins Defendants from
 26 continuing to engage in these unlawful practices, Plaintiffs will continue to suffer irreparable
 27 harm.

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1 104. Plaintiffs are entitled to injunctive relief. 42 U.S.C. § 12188.

2 WHEREFORE, Plaintiffs pray for relief as set forth below.

3 **SECOND CAUSE OF ACTION**

4 **Violation of the California Unruh Civil Rights Act**
 5 **(California Civil Code §§ 51 & 52)**

6 105. Plaintiffs incorporate by reference the foregoing allegations as though fully set
 7 forth herein.

8 106. The Unruh Civil Rights Act guarantees, *inter alia*, that persons with disabilities
 9 are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all
 10 business establishments of every kind whatsoever within the jurisdiction of the state of
 11 California. Cal. Civ. Code § 51(b).

12 107. The network of Uber vehicles providing transportation services to the general
 13 public in California is a business establishment within the jurisdiction of the state of California,
 14 and as such is obligated to comply with the provisions of the California Unruh Civil Rights Act,
 15 California Civil Code §§ 51, *et seq.*

16 108. The Unruh Act provides, *inter alia*, that a violation of the ADA, 42 U.S.C. §§
 17 12101, *et seq.*, also constitutes a violation of the Unruh Act. Cal. Civ. Code § 51(f).

18 109. Defendants' discriminatory conduct alleged herein includes, *inter alia*, the
 19 violation of the rights of persons with disabilities set forth in Title III of the ADA and therefore
 20 also violates the Unruh Act. Cal. Civ. Code § 51(f).

21 110. The actions of Defendants were and are in violation of the Unruh Civil Rights
 22 Act, California Civil Code §§ 51, *et seq.* Members of Plaintiff NFB of California, including
 23 Plaintiff Hingson, are aware of Defendants' unlawful actions, and their knowledge of this
 24 discrimination has deterred members of Plaintiff NFB of California, including Plaintiff Hingson,
 25 from attempting to access the UberX taxi service on several occasions. Moreover, many
 26 members of NFB of California and other blind persons, including Plaintiffs Kelly and Pedersen,
 27 have been and continue to be denied access to Defendants' services on multiple occasions when
 28

1 they attempt to use Uber's services. Therefore Plaintiffs are entitled to injunctive relief
2 remedying the discrimination pursuant to California Civil Code § 52. Unless the Court enjoins
3 Defendants from continuing to engage in these unlawful practices, Plaintiffs will continue to
4 suffer irreparable harm.

5 111. Plaintiffs Kelly, Hingson, and Pedersen are also entitled to statutory minimum
6 damages pursuant to California Civil Code § 52 for each and every offense in violation of the
7 Unruh Act. Cal. Civ. Code § 52(b).

8 WHEREFORE, Plaintiffs pray for relief as set forth below.

THIRD CAUSE OF ACTION

Violation of the California Disabled Persons Act

(California Civil Code §§ 54-54.3)

2 112. Plaintiffs incorporate by reference the foregoing allegations as though fully set
3 forth herein.

113. California Civil Code §§ 54-54.3 guarantee, *inter alia*, that persons with
disabilities are entitled to full and equal access, as other members of the general public receive,
to accommodations, advantages, facilities, and privileges of all “common carriers,” “motor
vehicles,” “places of public accommodation” and “other places to which the general public is
invited” within the jurisdiction of California. Cal. Civ. Code § 54.1(a)(1).

114. It is a violation of California Civil Code §§ 54-54.3 to prevent service dogs from
accompanying individuals with disabilities in any common carriers, motor vehicles, places of
public accommodation, or other places to which the general public is invited. Cal. Civ. Code §
54.2(a)-(b). Any violation of the ADA is also a violation of California Civil Code § 54.1. Cal.
Civ. Code § 54.1(d).

115. UberX vehicles providing transportation services to the general public are
common carriers, motor vehicles, places of public accommodation or other places to which the
general public is invited under California Civil Code § 54.1(a)(1).

1 116. Defendants are violating the rights of Plaintiffs to full and equal access to
2 common carriers, motor vehicles, places of public accommodation, or other places to which the
3 general public is invited under California Civil Code §§ 54-54.3 by denying blind riders with
4 service dogs full and equal access to the accommodations, advantages, facilities, and privileges
5 of Uber vehicles providing the UberX taxi service. Defendants are also violating California Civil
6 Code §§ 54-54.3 in that their actions are a violation of the ADA. Members of Plaintiff NFB of
7 California, including Plaintiff Hingson, are aware of Defendants' unlawful actions, and their
8 knowledge of this discrimination has deterred members of Plaintiff NFB of California, including
9 Plaintiff Hingson, from attempting to access the UberX taxi service on several occasions.
10 Moreover, many members of NFB of California and other blind persons, including Plaintiffs
11 Kelly and Pedersen, have been and continue to be denied access to Defendants' services on
12 multiple occasions when they attempt to use Uber's services.

13 117. Plaintiffs thus seek declaratory relief based on Defendants' violation of Plaintiffs'
14 rights under California Civil Code §§ 54-54.3.

15 118. Plaintiffs Kelly, Hingson, and Pedersen are also entitled to statutory minimum
16 damages for each violation of California Civil Code §§ 54-54.3(a).

17 119. Plaintiffs do not seek relief, injunctive or otherwise, under California Civil Code §
18 55.

19 | WHEREFORE, Plaintiffs pray for relief as set forth below.

FOURTH CAUSE OF ACTION

(Declaratory Relief on Behalf of Plaintiffs)

22 120. Plaintiffs incorporate by reference the foregoing allegations as if set forth fully
23 herein.

24 121. An actual controversy has arisen and now exists between the parties in that
25 Plaintiffs contend, and are informed and believe that Defendants deny, that by failing to adopt
26 policies and procedures that would prevent drivers of Uber vehicles that provide the UberX taxi
27 service from denying rides to Plaintiffs and other blind individuals with service animals,

1 Defendants fail to comply with applicable laws, including but not limited to Title III of the
2 Americans with Disabilities Act, 42 U.S.C. §§ 12181, *et seq.*, California Civil Code §§ 51-52,
3 and California Civil Code §§ 54-54.3.

4 122. A judicial declaration is necessary and appropriate at this time in order that each
5 of the parties may know their respective rights and duties and act accordingly.

6 WHEREFORE, Plaintiffs request relief as set forth below.

PRAYER FOR RELIEF

8 WHEREFORE, Plaintiffs pray for judgment as follows:

9 123. A permanent injunction pursuant to the Americans with Disabilities Act, 42
10 U.S.C. §§ 12181, *et seq.*, and the Unruh Act, California Civil Code §§ 51-52, requiring
11 Defendants to take the steps necessary to ensure that Uber's drivers who provide UberX taxi
12 services do not unlawfully refuse to transport blind individuals with service animals, including
13 Plaintiffs.

14 124. A declaration that Defendants discriminate against blind persons by failing to
15 provide blind riders, including Plaintiffs, with full and equal access to the services, facilities,
16 privileges, advantages, and accommodations of Uber vehicles providing taxi services in violation
17 of Title III of the ADA, 42 U.S.C. §§ 12181, *et seq.*, California Civil Code §§ 54-54.3, and
18 California's Unruh Act, California Civil Code §§ 51-52.

19 125. For Plaintiffs Kelly, Hingson, and Pedersen, damages in an amount to be
20 determined by proof, including all applicable statutory damages pursuant to California Civil
21 Code § 52(a) or California Civil Code § 54.3.

22 126. An order awarding Plaintiffs reasonable attorneys' fees and costs, as authorized
23 by 42 U.S.C. § 12188, California Civil Code § 52, and California Civil Code § 54.3; and

24 ||| 127. For such other and further relief as the Court deems just and proper.

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1 DATED: November 12, 2014

Respectfully submitted,

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3 DISABILITY RIGHTS ADVOCATES

4 
5

6 Michael Nunez

7 TRE LEGAL PRACTICE

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9

10 Timothy Elder
11 Attorneys for Plaintiffs

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